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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,762

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Patrick Leschaeve

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07/28/2009

McLELAND PATENT LAW OFFICE, P.L.L.C.

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EXAMINER

NGUYEN, THUY-AI N

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,762	<b>Applicant(s)</b> LESCHAEVE ET AL.	
	<b>Examiner</b> THUY-AI N. NGUYEN	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20- 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20- 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's responses filed on March 15, 2009 have been considered. Claims 1-19 have been cancelled. Claims 20 to 40 have been added. Claims 20- 40 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-21 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Severns et al. (US. 2005/0050644) in view of Noyes et al. (US. 2005/0256015).

Regarding claim 20, Severns et al. teach the cleaning method comprising a step of tumbling the textiles in a leak -tight enclosure (chamber, see figure 1), wherein the tumbling stage includes pneumatic atomization which has the droplet size less than 100µm overlapping the claimed range [0082, 0084], wherein the composition comprises essential oils which are extracted from natural source fruit or flowers (perfume, [0269]), surfactants [0262- 0267], and water [0058]; qualified as an aqueous composition.

Severns et al do not teach applying a temperature less than or equal to 45 degree Celsius, and impregnating the textile until they gain of about 5% to 70%. Noyes teaches applying a temperature of less than or equal to 45 degree Celsius [0106, 0121

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and 0122], until there is a weight gain of about 5% to 70% (e.g., 20%-200% by dry weight, [0099]). Severns et al and Noyes are analogous arts because they are in the same field of endeavor, namely, cleaning process. At the time the invention, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Noyes into the teachings of Severns et al in order to provide a method for cleaning or treating fabric articles that is safe for a wide range of fabric articles, minimizes shrinkage and wrinkling, and can be adapted to a cost effective use in the consumer's home (Noyes, [0006]).

Regarding claim 21, Severns et al. teach the method, wherein the enclosure comprises a drum (chamber 1, [0079]), and a nozzle is supported with a spraying arm that is attached to the door **59** [0087]. Because the apparatus is positioned as said in the claim, it implicitly performs in the same manner as said by the applicant.

Regarding claim 24, Severns et al. teach the method as said, wherein the essential oil (perfume) is citrus limonum (lemon oil, [0269]).

Regarding claim 25, Severns et al. teach the method as said, wherein the surfactants includes cationic surfactants which is derived from natural source including coconut or soy [0258].

Regarding claim 26, Severns et al. teach the method as said wherein the composition comprises essential oils which are extracted from natural source fruit or flowers (lemon oil, [0269]).

Regarding claim 27, Severns further teaches dry cleaning composition includes alcohol and wax = esters of fatty acid, see para [0252].

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Regarding claims 28 and 29, Severns et al. teach the method, wherein the composition comprises antistatic agent [0277], antioxidant, antibacterial, sanitizing (bleach, and enzyme) and fabric softener [0253].

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Severns et al. (US. 2005/0050644) in view of Noyes et al. (US. 2005/0256015) as applied to claims 20-21 above, and further in view of Harris et al (6,237,373).

Regarding claim 22, Severns in view of Noyes does not teach the door is of a frustoconical shape. Harris teaches a washing/dryer machine that comprises a frustoconical shape door (see fig. 1-2, frustoconical shape door 31). Combining Harris with Severns would move the nozzle of Severns away from the drum and position the nozzle in such a manner as to achieve spraying throughout the interior of the drum as soon as a spray enters into the drum during the pneumatic atomization stage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Harris (e.g., frustoconical shape door) into the teachings of Severns in view of Noyes in order to provide a dry cleaning system that can be easily cleaned without removal of special filter doors or covers (col. 2, lines 10-13).

Regarding claim 23, as mentioned in claim 22, by combining Harris with Severns in view of Noyes would move the nozzle of Severns away from the drum by few hundred millimeters due to the structure of the frustoconical shape door of Harris.

Claims 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Severns et al. (US. 2005/0050644) in view of Noyes et al. (US. 2005/0256015) as applied to claim 20 above, and further in view of Kamiya (6,136,778).

Regarding claim 30, Severns does not teach that the composition has the pH in the range of 6 to 8.

Kamiya teaches that the composition has the pH in the range of 5.4 to 6.6 (see table 8). Severns and Kamiya are analogous arts because they are in the same field of endeavor, namely laundry cleaning composition. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use pH of Kamiya in the teaching of Severns to achieve the desired cleaning efficacy of the composition.

Regarding claim 31, Kamiya teaches that the aqueous cleaning composition is prepared from a concentrate (col. 10, line 55 to col. 11, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kamiya (e.g., concentrate detergent/composition) into the teachings of Severns in view of Noyes, so that the composition can be easily moved and/or transported without spilling.

Regarding claim 32, Kamiya further teaches the concentrate comprises a) at least one 100% pure and natural essential oil, representing 0.5% to 10% by weight of the composition; b) at least one detergent and emulsifying surface active agent of exclusively vegetal origin that is well tolerated by the skin, representing 5% to 20% by weight of the composition; c) at least one component selected from the group comprising oils, vegetable glycerin, and floral waters, representing 5% to 90% by weight

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of the composition; d) at least one component selected from the group comprising fruit alcohol, tree gum, and natural wax, representing 0.5% to 30% by weight of the composition; e) at least one additive having at least one property selected from the group of properties comprising humectants, antistatic, antioxidant, antibacterial, sanitizing, fluidifying, softening, bulking, brightening, and preserving properties, representing 0.1% to 10% by weight of the composition; and f) at least one enzymatic compound and/or salt, representing 0.05% to 10% by weight of the composition.

Regarding claim 33, Noyes further teaches applying a temperature of less than or equal to 45 degree Celsius [0106, 0121 and 0122], until there is a weight gain of about 5% to 70% (e.g., 20%-200% by dry weight, [0099]).

Regarding claim 34, Severns further teaches the tumbling [0076-0079], pneumatic atomization [0080, 0082, 0084] and Severns' dry cleaning method inherently involves cleaning, drying and cooling steps.

Claims 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Severns et al. (US. 2005/0050644) in view of Noyes et al. (US. 2005/0256015) and Harris et al (6,237,373).

Regarding claim 35, Severns illustrates a dry cleaning machine comprises a drum, a leaked tight enclosure (the chamber 1, fig. 1-2), heater means (to produces the heating temperature [0137; 0244 and 0245]); suction mean [0102], filter means (filter 6 [0092 and 0093]), control means (controller 81, [0122]); and door (59). Although claim 13 is depending on claim 1, claim 13 can be treated without limited to claim 1 because it

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is apparatus (MPEP. 2115). Severns et al. teach the cleaning machine, wherein the tumbling stage includes pneumatic atomization which has the droplet size less than 100 $\mu$ m overlapping the claimed range [0082, 0084], wherein the composition comprises essential oils which are extracted from natural source fruit or flowers (perfume, [0269]), surfactants [0262- 0267], and water [0058]; qualified as an aqueous composition.

Severns et al do not teach applying a temperature less than or equal to 45 degree Celsius, and impregnating the textile until they gain of about 5% to 70%. Noyes teaches applying a temperature of less than or equal to 45 degree Celsius [0106, 0121 and 0122], until there is a weight gain of about 5% to 70% (e.g., 20%-200% by dry weight, [0099]). Severns et al and Noyes are analogous arts because they are in the same field of endeavor, namely, cleaning process. At the time the invention, it would have been obvious to one of ordinary skill in the art to utilize the teachings of Noyes into the teachings of Severns et al in order to provide a method for cleaning or treating fabric articles that is safe for a wide range of fabric articles, minimizes shrinkage and wrinkling, and can be adapted to a cost effective use in the consumer's home (Noyes, [0006]).

Severns does not teach the door is of a frustoconical shape. Harris teaches a washing/dryer machine that comprises a frustoconical shape door (see fig. 1, frustoconical shape door 31). Combining Harris with Severns would move the nozzle of Severns away from the drum and position the nozzle in such a manner as to achieve spraying throughout the interior of the drum as soon as a spray enters into the drum during the pneumatic atomization stage. It would have been obvious to one of ordinary



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skill in the art at the time the invention was made to utilize the teachings of Harris (e.g., frustoconical shape door) into the teachings of Severns in view of Noyes in order to provide a dry cleaning system that can be easily cleaned without removal of special filter doors or covers (col. 2, lines 10-13).

Regarding claim 36, as mentioned in claim 35, by combining Harris with Severns in view of Noyes would move the nozzle of Severns away from the drum by few hundred millimeters due to the structure of the frustoconical shape door of Harris.

Regarding claim 37, Severns further teaches that when the drum is in rotation, changing direction in alternation from the beginning to the end of the program (para. 0079).

Regarding claim 38, Severns does not teach the drum is reversed every 30 seconds. However, Severns teaches reversing the direction of drum rotation several times to provide more uniform agitation and more uniform heat transfer to the fabric articles being treated [0079].

Regarding claim 39, Severns further teaches the use of filter (6, [0092], fig. 1).

Regarding claim 40, Severns shows in fig. 2, the beater (drum 2) disposed obliquely from the nozzle (26), since the nozzle (26) is located within chamber (1) which is isolated from drum (2).

### ***Response to Arguments***

Applicant's arguments with respect to claims 10- 12 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant's arguments have been fully considered but they are not persuasive that Serverns et al. and Noyes et al. are not analogous arts relative to Kamiya. Although Servern et al. disclose a composition containing at least 50 percent by weight of a lipophilic liquid and the composition of Noyes et al. contains 50 to 100 percent by weight of lipophilic fluid as said by the applicant, Serverns et al. and Noyes et al. both have the composition comprising maximum of 50 percent of water and the other adjunct including water soluble component and solvents. For this reason, the compositions are qualified to be considered as aqueous composition for containing certain amount of water as said above. Because according to the specification, the aqueous composition of the invention comprises from 5 to 90 percent of floral water, and the major amount of water is not in the claim. As a result, the compositions of Serverns, Noyes can also be considered as aqueous composition, therefore, combining Serverns, Noyes et al. and Kamiya are deemed proper for the reasons as said above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY-AI N. NGUYEN whose telephone number is (571)270-3294. The examiner can normally be reached on Monday-Friday: 8:30 a.m. - 5:00 p.m. eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

THA

/David Wu/

Supervisory Patent Examiner, Art Unit 1796